

State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

AMENDMENTS TO REGULATION ESTABLISHING A
STATEWIDE PORTABLE EQUIPMENT REGISTRATION PROGRAM

Public Hearing Date: March 27, 1997
Public Availability Date: May 9, 1997
Deadline for Public Comment: May 30, 1997

At a public hearing held on March 27, 1997, the Air Resources Board ("Board") approved for adoption sections 2450-2465, article 5, Title 13, California Code of Regulations (CCR), creating a Statewide Portable Equipment Registration Program. The Board adopted Resolution 97-16 approving the Proposed Regulation to Establish a Statewide Portable Equipment Registration Program (Regulation) with modifications. The modifications are summarized below:

Section 2453(g) was modified to require owners and operators to keep the registration certificate with portable engines and equipment at all times and be accessible to the Executive Officer or district upon request. The Board recognized that the registration certificate, which includes operating conditions specific to each portable engine or portable equipment unit, should be available at the time of inspection to ensure accurate and expedient verification of compliance.

Section 2450 was modified to clarify the scope of the Regulation's preemption of district authority to regulate portable engines and equipment units.

Section 2451 (b)(1) was modified to clarify that unconfined and confined abrasive blasting equipment are eligible for registration in the Statewide Portable Equipment Registration Program.

Section 2451 (c) was modified to expressly exclude portable engines and equipment units that operate in the California Outer Continental Shelf and State Territorial Waters from eligibility to register in the Statewide Portable Equipment Registration Program. The Board directed staff to further review the possibility of including engines and equipment units located in State Territorial Waters in the Statewide Portable Equipment Registration Program and report back to the Board with its findings within one year of the effective date of the Regulation.

Section 2451 (d) was modified to clarify the conditions under which registration in the Statewide Portable Equipment Registration Program becomes mandatory.

Section 2451 (d)(2) was modified to allow owners and operators of portable engines that have been mandated into the registration program to transfer existing district permit conditions for daily and annual emission limits in lieu of the daily and annual requirements of this Regulation. The district permit conditions would only be allowed to be used when operating in the district where the original permit was issued.

Section 2455 (d) was modified to set forth the circumstances when an owner or operator of registered portable equipment must notify the United States Environmental Protection Agency regarding operation subject to the provisions of the Prevention of Significant Deterioration program.

Section 2456 (d) was modified to clarify the requirements for registration and emission standards for portable engines less than 50 brake horsepower.

Sections 2456 (f) and section 2458 (a) were modified to clarify that if a portable engine obtains a temporary (18 month maximum) exemption, it would be relieved from daily and annual emission limits and recordkeeping and reporting requirements.

Section 2456 (h) was modified to clarify when a compression-ignition engine may be exempted from the 4-degree injection timing retard requirement. The provision now specifically states that an engine will be exempted if the timing retard requirement will potentially cause engine damage or an exceedance of a pollutant standard.

Section 2456 (i) was modified to clarify that for resident portable engines operating in the South Coast Air Quality Management District (SCAQMD), the owner or operator of such equipment may substitute SCAQMD daily emission limit permit conditions in lieu of the requirement limiting resident portable engines to 100 pounds per day per project.

Section 2456 (Table 2 Spark-ignition Engine Requirements) was modified to allow the Executive Officer to require carbon monoxide (CO) modeling for spark-ignition engines if CO emissions are expected to violate ambient air quality standards.

Section 2457 (b)(3)(D) was clarified to allow owners or operators of sand and gravel screening, rock crushing, and pavement crushing and recycling operations the alternative of electing to use either a fabric dust collection system or a wet suppression system.

SUPPLEMENT TO COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

Subsequent to the release of the *Initial Statement of Reasons for Rulemaking, Volume II: Technical Support Document, Proposed Regulation to Establish a Statewide Portable Equipment Registration Program*, the Executive Officer further reviewed the nondiscretionary costs and savings that could be incurred by local agencies in reasonable compliance with the proposed regulations. Upon such review, the Executive Officer has determined that the local air pollution

control and air quality management districts (Districts) could incur savings -- which, as defined by the State Administrative Manual, includes budget reductions -- from the Statewide Portable Equipment Registration Program. It is estimated that the districts could incur reductions of up to \$1,772,200.00 statewide from the adoption of the proposed Statewide Portable Equipment Registration Program. The lost revenue would be attributed to an estimated 10,000 portable engines and portable equipment units that may register in the Statewide Portable Equipment Registration Program resulting in lost administrative and annual renewal fees to the Districts. The regulatory action is not expected to create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies.

Resolution 97-16 is attached as Appendix A. The entire text of proposed Sections 2450-2465, article 5, Title 13, CCR, was originally distributed as Appendix A to the *Initial Statement of Reasons for Rulemaking, Volume II: Technical Support Document, Proposed Regulation to Establish a Statewide Portable Equipment Registration Program*, (February 1997). It is referred to as Appendix A in Resolution 97-16 and is not contained in this package. However, the modified text of Sections 2450-2465, article 5, Title 13, CCR, are attached as Appendix B. Comments regarding the modifications must be submitted to the Clerk of the Board, Air Resources Board, P.O. Box 2815, Sacramento, California 95812, no later than May 30, 1997, for consideration by the Executive Officer. Questions regarding this mail-out may be directed to Mr. Michael Tollstrup, Manager, Project Support Section, at (916) 323-8473.

Sincerely,

Peter D. Venturini, Chief
Stationary Source Division

Attachments